

have failed to secure justice in the courts of bishops or archdeacons, where actions on cases of debts or usury have been begun before " spiritual men/" The records of ecclesiastical courts show that, though sometimes commercial questions were dismissed as belonging to the secular courts, cases of breach of contract and usury continued, nevertheless, to be settled by them.⁸⁸ The disreputable family of Marcroft—William the father was a common usurer, Alice his daughter baked bread at Pentecost, and Edward his son made a shirt on All Saints' Day—is punished by the ecclesiastical court of Whalley as it deserves.⁸⁹ At Ripon a usurer and his victim are induced to settle the case out of court*⁹⁰ The Commissary of London cites Thomas Hall *super crimine usurarice pravitatis*, on the ground that, having advanced four shillings on the security of Thomas Foster's belt, he had demanded twelve pence over and above the principal, and suspends him when he does not appear in court.⁹¹ Nor did business of this kind cease with the Reformation. Cases of usury were being heard by ecclesiastical courts under Elizabeth, and even in a great commercial centre like the City of London it was still possible in the reign of James I for the Bishop's Commissary to be trying tradesmen for " lending upon

pawnes for an excessive gain/^{7 9a}

It was not only by legal penalties, however, that an attempt was made to raise a defensive barrier against the exactions of the money-lender* From a very early date there was a school of opinion which held that, in view of the various stratagems by which usurious contracts could be "coloured," direct prohibition was almost necessarily impotent, and which favoured the policy of providing facilities for borrowing on more reasonable terms than could be obtained from the money-lender. Ecclesiastics try, in fact, to turn the flank of the usurer by establishing institutions where the poor can raise capital cheaply. Parishes, religious